

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: VALSARTAN N-
NITROSODIMETHYLAMINE (NDMA)
CONTAMINATION PRODUCTS
LIABILITY LITIGATION

Civil No. 19-2875 (RBK/JS)

CASE MANAGEMENT ORDER NO. 7

The Court having conducted a conference with the parties on May 29, 2019; and the Court having addressed the disputes raised in the agenda for the conference [Doc. No. 107]; and this Order intending to confirm the Court's rulings; and accordingly,

IT IS HEREBY ORDERED this 3rd day of June, 2019, as follows:

1. The target date to finalize the "streamlined service protocol" is **June 26, 2019**.
2. The target date to finalize the Short Form Complaint to be used for plaintiffs' bodily injury actions is **June 26, 2019**.
3. Any objections to defendants' insurance disclosures shall be raised before the next scheduled conference call on **June 12, 2019**.
4. The Court rules as follows with regard to the disputes involving the ESI Protocol to be entered:
 - a. As to whether plaintiffs' completed Fact Sheets are subject to the ESI Protocol, the parties shall follow the same procedure used in the Benicar, C.A. No. 15-2606 (RBK/JS), litigation.
 - b. The request to use "categorical" privilege logs is **DENIED** without prejudice to the parties' right to make an application to the Court for good cause shown.

- c. Direct communications between outside counsel and in-house counsel do not have to be included on defendants' privilege logs. The request to exclude from defendants' privilege logs all communications post-dating the filing of plaintiffs' complaints, and all emails to and from in-house counsel, is DENIED without prejudice to the parties' right to make an application to the Court for good cause shown.
- d. Plaintiffs' request that defendants must identify each product at issue in a document withheld or redacted as non-responsive because it related to "other products," is DENIED without prejudice to plaintiffs' right to make an application to the Court that the information be disclosed for good cause shown.
- e. The Court defers its decision on the "threshold for native production of foreign language documents."

5. The target date to finalize the ESI Protocol (excluding custodians to be searched and search terms to be used) is **June 26, 2019**.

6. The parties shall only use plaintiff "Fact Sheets" and not also "Profile Forms." The completion and Court approval of Fact Sheets is a priority. The target date to finalize the "Fact Sheets" is **June 26, 2019**.

- a. Plaintiffs' Fact Sheets shall be completed by all proposed class representative plaintiffs and all plaintiffs.
- b. Plaintiffs' Fact Sheets shall include a Declaration pursuant to 28 U.S.C. §1746.
- c. Plaintiffs' Fact Sheets shall include the same Order to Show Cause ("OSC") procedure used in the Benicar litigation. See C.A. No. 15-2606, CMO No. 7, Doc. No. 67; Doc. No. 181 ¶5; CMO No. 16, Doc. No. 204.

- d. Plaintiffs' Fact Sheets shall include records authorizations to be executed by plaintiffs. See Benicar Fact Sheets, C.A. No. 15-2606, Doc. No. 73 (1-8).

7. The Court incorporates by reference its rulings regarding the parties' disputes involving the proposed Discovery Confidentiality Order ("DCO") that are reflected in the transcript of proceedings. The target date for the completion of the DCO is **June 12, 2019**.

8. The parties are granted an extension of time until **July 19, 2019**, to produce the documents listed in paragraph 6(a)(3)(5) of the April 29, 2019 Order [Doc. No. 88]. All other documents listed in the Order shall be timely served.

9. The next scheduled conference call before Magistrate Judge Schneider is **on June 12, 2019 at 4:00 p.m.** Plaintiffs' counsel shall arrange the call.

10. The next scheduled in-person status conference is scheduled on **June 26, 2019**. The parties shall meet with Magistrate Judge Schneider at **10:00 a.m. in Courtroom 3C** and with Judge Kugler at **1:30 p.m. in Courtroom 4D**. Leadership counsel for the parties shall attend. All other counsel may but are not required to appear in-person.

s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge